

Anent the Loyal Curing and Packing of Herring and Salmond-fish.

At Edinburgh the Eleventh of May, 1693.



OUR SOVERAIGN LORD and LADY, the King and Queens Majesties, considering, how much the true and Loyal Curing and Packing of Herring and Salmond-fish, to be Exported forth of this Kingdom, contribute to the advancement of Trade, and general Good of the Nation: **DO THEREFORE**, with Advice and Consent of the Estates of Parliament, Statute, Ordain and Enact, that all Casks to be made hereafter, for Exporting Herring, or Salmond-fish, be made of well seasoned Knappel, or Oak-timber, free from all white Wood, or Worm-holes, the Heads of the Cask dowed, the Step or Stave of a third part of an Inch, at least in thickness, and that none of the Staves be Rift or Cleft: And that ilk Barrel for Exporting of Herring, contain eight Gallons and two Pints: And ilk Barrel for Exporting Salmond, ten Gallons, and be full Hooped, at least on the one end, and have eight Hoops on the other end. And **SICK LIKE**, that there be kept in each Royal-Burgh, where Casks for Export are made, a Burning-seal, for marking of such Casks; and that the Magistrats, or Dean of Gild of the respective Burghs, appoint an honest Cowper, for whom they will be answerable, for Visiting and Trying all Barrels made for Export, and that the Maker of the Cask, put his own mark upon them, before he Sell them, and call a Cowper appointed by a Royal-Burgh to try them, and if they be found sufficient, that he put the publick Seal of the Burgh upon them, for which the said Cowper is to have four shilling Scots, for ilk Last from the Maker: and that ilk Barrel, which after such tryal, shall be found unsufficient, be confiscated and disposed upon, for the use of the Poor, within the Paroch where they are made, excepting such parts thereof, as the respective Magistrats shall think fit, to give to the Cowper-visitor within the Burgh, for his encouragement: and if the saids Casks shall be found unsufficient, after the publick mark of the Burgh is so affixed thereon, the Cowper who Visited the same, is to pay therefore six pound Scots for ilk Last, and proportionally for ilk Barrel: and whatever Cask shall be put aboard, before they be visited and marked, as said is, the same are to be seized and confiscated as unsufficient, and applyed for the uses above-mentioned. **AND SICK LIKE**, that all Herring and Salmond for Export, be made Pyned and Cured with French Bay, or Spanish Salt, or with Salt upon Salt, made of Forraign Salt: and that all Herrings for Export (excepting such Herrings, as are Exported to the Sound, before the tenth day of September yearly) be Repacked, well filled and washed. **AND IN LIKE MANNER**, that the Magistrats in ilk Royal-burgh, appoint an honest Man of Judgment, and skill in Curing and Packing of Herring, for whom they shall be answerable to Visit all Herrings, Exported out of their Precinct, who is to have a publick Burning-mark, and to affix the same upon all Casks, which are found sufficiently Cured and Packed, and if any shall be found unsufficiently Cured or Packed, after Visiting and Trying thereof, they are to be seized and confiscated for the Uses foresaid: And the first Buyer, is in that case to have recourse against the Curer, and Maker of the saids Herrings, but if the unsufficiency thereof, be discovered at the Port of Discharge, and be made appear, either by legal Probation from that place, taken before the Dean of Gild, or Merchant Judge, or by the Attestation, upon Oath of the Master of the Ship, who Exported the same, and two Merchants of good Fame, declaring the said unsufficiency, and that the same happened thorow the not right Curing, Making or Packing of the Herrings at first; then the Merchant-exporter, is to have recourse for the whole Damage, sustained by the unsufficiency thereof, against the first Maker, or Curer of the saids Herrings. **AND FOR RENDERING** the said Recourse effectual, all Curers and Makers of Herrings, shall put their own Mark upon their Cask by a Burning-iron, and whatever Herrings are exported without the Makers mark upon the Cask, the Merchant shall have no Recourse for Damages, throw the unsufficiency thereof: and in case any Cask with Herring be shipped for Export, without the said mark, the respective Visitors who shall make discovery thereof, are hereby Authorized and Impowered to seize and confiscat the same for the Uses foresaid. **LIKE AS**, Their Majesties with Consent foresaid, **ORDAIN and APPOINT**, the said Visitors for the several Burghs, to be admitted to that Trust, upon their taking an Oath *de fidei administratione*, and finding sufficient Caution for that Effect: and that for their pains therein, they shall have six shilling Scots from the Merchant, or Owner, for ilk Last, to be marked by them in manner foresaid. **AND FARTHER**, it is appointed for preventing all Debate, that may arise betwixt the Visitors, Merchants, and Curers of Herring, through the Visitors, their refusing or delaying to mark Herrings and Salmond, that are sufficiently Cured, upon pretext, that they are not sufficiently Cured, in that case upon any such Difference in Burghs-royal, the Magistrats are to call five honest Men, well skilled in Curing of Herring and Salmond, to decide any such Difference; and in Burghs of Regality, and Barony, or Landwart, the Bailie of Regality, or his Deputs, and the Baron or his Bailie respectively, is to choise the like number of honest Men for that end, and these five honest Men, are first to be sworn upon Oath, before they proceed to Cognosce or Decide in any such matter: and the Visitor shall be obliged to affix their Marks, if these honest Men shall declare them loyally Cured, and that under the penalty of ten pounds Scots *toties quoties*, and that there be an Act of Court, in presence of the respective Magistrats made thereupon; **BUT IN REGARD** of the great distance of some places, on the Western and Northern Coasts, and Isles, where Herring are in use to be Cured and Packed, from any Burghs-royal, where-thorow the Visitors cannot mark the said Herring as well, and loyally Cured and Packed. **THEREFORE IT IS STATUTE AND ORDAINED**, that the Exporter of such Herring, who shall Buy the same from these who Cured them, shall be Lyable for the unsufficiency of the Cask, and the bad and disloyal Curing of the Herring, conform to this present Act, in the Sum of fourty pound Scots money of Penalty, for ilk Last of the said exported Herring, which shall be found unduly Cured, as said is, and that by legal Probation, or by Attestation and Declaration in manner above-mentioned, to be applyed to the behove of the Discoverer allenarly: and for the better advancing of the Trade, of exporting Salmond-fish, Their Majesties and Estates foresaid, **DO AUTHORIZE AND IMPOWER**, the Magistrats or Dean of Gild of ilk Royal-burrow, to put this Act, and other Acts of Parliament made thereanent, to all due Execution; **DECLARING NEVERTHELESS**, likeas, it is hereby expressly provided and declared, that neither this present Act, nor any thing therein contained, shall prejudice the particular Rights of any Burghs-royal, within this Kingdom, but that the same be reserved to them, as accords of the Law: And siklike declaring, that this Act is, and shall be but prejudice to the Powers, and Priviledges, Rights, and Jurisdiction of the Court of Admiralty.

Extracted forth of the Records of Parliament, by

TARBAT. Cls. Registr.

God save King William and Queen Mary.